

REMARKS

The Application has been carefully reviewed in light of the Official Action mailed July 6, 2005. Applicant respectfully requests reconsideration and favorable action in this Application.

Claims 1-7 and 15-17 stand rejected under 35 U.S.C. §102(e) as being anticipated by Moran. As the Moran patent has an effective filing date of August 26, 1998 that is less than one year prior to the effective filing date of September 29, 1998 for this Application, attached herewith is a Declaration Under 37 C.F.R. §1.131 by the inventors stating that the claimed invention was conceived and reduced to practice through diligence prior to the effective filing date of the Moran patent. Accompanying the Declaration Under 37 C.F.R. §1.131 are documents in support thereof with dates redacted. Therefore, Applicant respectfully submits that Claims 1-7 and 15-17 are not anticipated by the Moran patent.

Claims 23-25 stand rejected under 35 U.S.C. §102(e) as being anticipated by Horowitz, et al. The Horowitz, et al. patent has a filing date of June 30, 1999 and claims the benefit of a provisional application filed June 30, 1998. The effective filing date of this Application is September 29, 1998. First, the Examiner has not shown that the disclosure in the Horowitz, et al. patent relied upon in rejecting the claims is in the provisional filing of the Horowitz, et al. patent. Second, even if the provisional filing could support the rejection of the claims, the provisional filing date of the Horowitz, et al. patent is less than one year prior to the effective filing date for this Application. Attached herewith is a Declaration Under 37 C.F.R. §1.131 by the inventors stating that the claimed invention was conceived and reduced to practice through diligence prior to the provisional filing

date of the Horowitz, et al. patent. Accompanying the Declaration Under 37 C.F.R. §1.131 are documents in support thereof with dates redacted. Therefore, Applicant respectfully submits that Claims 23-25 are not anticipated by the Moran patent.

Claims 8-14, 18-22, and 26-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Moran in view of Horowitz, et al. As discussed above, attached herewith is a Declaration Under 37 C.F.R. §1.131 showing that the inventors conceived and reduced to practice through diligence the subject matter of the claimed invention. Therefore, Applicant respectfully submits that Claims 8-14, 18-22, and 26-28 are patentably distinct from the proposed Moran - Horowitz, et al. combination.

Applicant respectfully requests a one month extension of time and a Notification of Extension of Time with accompanying check are attached herewith in support thereof.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of Claims 1-28.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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